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EXAMINER

TODD, GREGORY G

ART UNIT PAPER NUMBER

2157

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

19

# Office Action Summary

Application No.

09/602,576

Applicant(s)

JACOBS ET AL.

Examiner

Gregory G Todd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This is a second office action in response to applicant's amendment filed, 20 January 2004, of application filed, with the above serial number, on 22 June 2000 in which claims 1, 4-5, 7, 20-21, 24, and 26 have been amended. Claims 1-31 are therefore pending in the application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-17 & 19-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Homestead.com (hereinafter "Homestead", Reference Cited U).

4. As per Claim 1, Homestead discloses a software architecture for enabling multiple users to perform a plurality of tasks via a wide-area network, wherein Homestead discloses:

a plurality of applications (different applications) (at least pp. 7, 12, 51, 52);

a data schema for storing a plurality of data objects, the data schema having an underlying, extensible data model (at least pp. 41, 49-52); and

an integrated platform for enabling each of the multiple users to perform at least one of the tasks by controlling interaction between two or more of the applications and the extensible data model (site manager) (at least pp. 7-9, 18).

5. As per Claim 2.

wherein the integrated platform dynamically contextualizes each stage of a task with reference to a corresponding user (eg. user editing a page / adding elements) (at least pp. 18, 20, 51).

6. As per Claim 3.

wherein the integrated platform creates a contextual task list for the corresponding user (at least pp. 51).

7. As per Claim 4.

wherein a data object is associated with a context information record that further describes a task in which the data object will be used (element describers, eg. basic) (at least pp. 51).

8. As per Claim 5.

wherein the platform allows a user and an application to extend the database in a user-specific way, thereby enabling the multiple users and the plurality of applications to use the database (at least pp. 7, 40-41).

9. As per Claim 6.

wherein the database can be extended dynamically without changing the underlying structure of the database (webware) (at least pp. 7, 37, 40).

10. As per Claim 7.

wherein the extensible data model has extensible attributes that can be used to add a previously undefined data attribute and wherein the extensible, underlying data model provides a standard way of representing the previously undefined data attribute (adding new elements) (at least pp. 40-41, 51).

11. As per Claim 8.

further comprising a user interface that is uniform across the plurality of applications (manager / editor with template) (at least pp. 16-18).

12. As per Claim 9.

wherein additional services can be added using the plurality of applications (at least pp. 11, 38).

13. As per Claim 10.

wherein the integrated platform is used to create and maintain an online business presence (at least pp. 48).

14. As per Claim 11.

wherein the integrated platform is used to create and maintain a customer relationship management application (chat, collaboration) (at least pp. 9, 11).

15. As per Claim 12.

wherein the architecture is a reactive architecture which supports a plurality of levels of task granularity and is dynamically aware of what information has been entered by a user (eg. drag and drop) (at least pp. 2, 3).

16. As per Claim 13, Homestead discloses an integrated software platform for creating a user application having a user experience, wherein Homestead discloses:

a data model for arranging and configuring application data, wherein the application data are one of a fixed attribute and an extended attribute (at least pp. 2-3, 7-8, 40);

a data logic component for operating on the data (at least pp. 7, 40-41);

a back-end code layer for managing the user experience (at least pp. 7, 40); and

a visual design component for implementing the user experience by presenting a user interface for entering data into a computer system (webware for remote user personalization using a uniform interface) (at least pp. 2, 3, 22).

17. As per Claim 14.

further including an information architecture layer for modeling the user experience (site manager, wysiwyg) (at least pp. 3, 18, 51).

18. As per Claim 15.

wherein the user application is a multi-user, online application (at least pp. 7-8).

19. As per Claim 16.

wherein the user application is a customer relationship management application (chat, collaboration) (at least pp. 9, 11).

20. As per Claim 17.

further including a data schema for storing data configured in the data model (storage) (at least pp. 8, 49-50).

21. As per Claim 19.

further including an interface layer for containing a plurality of HTML form elements (at least pp. 18, 51).

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22. As per Claim 20.

wherein the interface layer and the back-end code layer translate instructions from the information architecture layer (page personalized and published) (at least pp. 7-8, 25-27).

23. As per Claim 21, Homestead discloses a task-based architecture for building a multi-user, online application by completing a plurality of tasks, wherein Homestead discloses:

a data schema for storing data related to the online application (at least pp. 49-50);

an extensible data model for storing and sharing the data as the plurality of tasks is completed (at least pp. 2-3, 7-8, 40);

a plurality of tools (at least pp. 8-9, 12);

a task viewer application for creating a user interface (at least pp. 18); and

a plurality of services for gathering and authoring the data (webware for remote user personalization using a uniform interface) (at least pp. 2, 3, 22).

24. As per Claim 22.

wherein the plurality of tools includes a data extension framework for defining and extracting data (steps in managing site) (at least pp. 2-3, 7-8).

25. As per Claim 23.

wherein the plurality of tools includes a context management tool for determining a context in the user-oriented application development system (managing site) (at least pp. 7-9, 18).

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26. As per Claim 24, Homestead discloses a system for building a distributed, multi-application program, wherein Homestead discloses:

a plurality of tasks (new / view page) (at least pp. 18, 7-8);

one or more sequences within a task (editing in manager) (at least pp. 18, 7-9);

a plurality of data objects (elements) (at least pp. 8, 50-52); and

one or more panel objects within a sequence through which data related to the multi-application program is entered and manipulated, wherein a panel object is aware of which data object from the plurality of data objects to access to retrieve existing data related to the multi-application program (managing elements for a single page within the manager) (at least pp. 7-9, 18-21).

27. As per Claim 25.

further comprising a plurality of model objects, a model object containing one or more data objects and a logic component for operating on the one or more data objects (site manager with elements) (at least pp. 7-9, 18, 50).

28. As per Claim 26, Homestead discloses a method of building a customized Web site, wherein Homestead discloses:

creating and maintaining one or more Web pages (at least pp. 7-8);

developing a communication service with users accessing the Web site (eg. collaboration) (at least pp. 7, 9);

developing an online transaction system for processing online orders made through the Web site (eg. marketplace, moneymakers) (at least pp. 9); and



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creating a reporting service for generating reports relating to Web site activity, wherein the method of building the customized Web site includes a task-based approach to completing an activity, employs an underlying, extensible data model, and has a uniform user experience (eg. hit counter) (at least pp. 8-9, 11).

29. As per Claim 27.

further including creating and maintaining a catalog for describing one of one or more products and one or more services (eg. collaboration, edited page) (at least pp. 9, 11, 17).

30. As per Claim 28.

wherein the task-based approach further includes completing one or more sequences, a sequence including one or more panels (eg. site manager) (at least pp. 14-18).

31. As per Claim 29.

wherein creating and maintaining one or more Web pages further includes controlling the appearance and content of a Web page (at least pp. 7-8).

32. As per Claim 30.

wherein developing a communication service with users further includes developing a user database according to user behavior patterns and preferences (eg. guest book / counter) (at least pp. 11).

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33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Homestead.com (hereinafter "Homestead", Reference Cited U).

35. As per Claim 31.

Homestead does not explicitly disclose developing an online transaction system for processing online orders further includes establishing an online account and checkout process. However, OFFICIAL NOTICE is taken for using such a business model as being well known to one skilled in the art at the time the invention was made. Homestead clearly discloses small businesses creating sites with their system (at least pp. 31-32, 47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a checkout process as e-commerce is very well known to be used for a website.

36. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Homestead.com (hereinafter "Homestead", Reference Cited U) in view of Norcott et al (hereinafter "Norcott", 6,334,128).

Homestead fails to explicitly disclose the data schema being implemented as a relational database. However, the use and advantages for using such a database is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Norcott (at least col. 1, lines 13-21). As is inherent in Homestead to have

storage for users personalized pages in a database (at least pp. 50-51, 7-8), Homestead does not indicate exactly what version of database is used. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Norcott's relational database simply as an alternative for the web storage of Homestead's users, as this allows some advantageous and some disadvantageous features as compared to an object oriented databases, depending on the particular nature and uses of the storage.

### ***Response to Arguments***

37. Applicant's arguments filed 20 January 2004 have been fully considered but they are not persuasive.

Applicants argue, in substance, that Homestead fails to disclose data schema having an underlying, extensible data model, and similarly a data model for arranging and configuring application data, wherein the application data are one of a fixed and an extended attribute. However, the specification states "The architecture has several services, systems, and an extensible database for storing data objects. The database has an underlying structure referred to as a schema that can be extended with previously undefined attributes without having to alter the basic format of the schema. The architecture also includes an integrated platform that enables each of the users to perform the tasks by controlling interaction or communication between the services and systems, and the extensible database." Homestead discloses the use of data objects referred to as *Elements*; the elements can be fixed such as Homestead's basic

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elements, or they can be extensible such as Homestead's interactive, member, and branded elements (at least pp. 41, 49-52), as originally cited with respect to claim 7, which expands on the underlying, extensible data model. For example, Homestead discloses branded elements such as web polls or search engines from an affiliate for advertising to be implemented into the web site. Thus, Homestead discloses a data model for creating and publishing a website via the configuring of application data elements to create a unique site for a user to store and let other users interact with.

Applicants further argue Homestead does not disclose one or more panel objects within a sequence to be entered and manipulated. However, Homestead discloses logging into an account, from which the user goes into a site manager, subsequently creates a new page from a template of data objects and goes on to open the homestead online editor in a new panel to edit elements via the addition/deletion of elements on the user's page and eventually saving the page and previewing the page (at least pp. 7-9, 18-21). Thus Homestead discloses a sequence of screens / panels the user must go through to manipulate objects for the page creation process.

### ***Conclusion***

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

39. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Newly cited Hanson et al, D'Arlach et al, and Bernardo et al in addition to previously cited Lagarde et al (distributed tasking), Sondur et al (relational database), Cohen (ASP page application authoring), Graham (remote web-authoring methods), Wolfe et al (website development details), and Belanger (remote server application execution) are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

40. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd



Patent Examiner

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